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Attorney Docket No.: 10008023-1
U.S. Patent Application Serial No.: 09/982,020

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1, 3-27, 29 and 31 are pending, of which claims 1, 18 and 25 are independent.

Claims 1, 3-18, 20-27, 29, and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai (Sakai, US 2004/0103410 A1) in view of Gold et al. (Gold, US 2002/0184473 A1).

These rejections are respectfully traversed for at least the reasons set forth below.

Examiner Interview Conducted

An interview was conducted with Supervisory Primary Examiner Dam on October 12, 2005. It was agreed that the combination of Sakai and Gold was improper because Gold fails to teach or suggest selecting a subclass of a selected class during compiling. Furthermore, it would not have been obvious to combine Gold with Sakai because Gold discloses mapping virtual registers to physical registers after compiling because microprocessors operable to execute multiple instructions in a single cycle may execute instructions non-sequentially. A register mapping is performed during execution of instructions to accommodate executing instructions non-sequentially. See paragraphs 4, 5, and 26. Sakai, on the other hand, discloses performing a parallelization process during compiling that generates a target program 3 from a source program 1 for a parallel processing architecture. The parallelization process determines where the intermediate code can be parallelized and reorders instructions to accommodate the parallelization. See paragraph 84. Thus, there is no need to use the register mapping or any of the processes of Gold in Sakai

PATENT

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because the target program 3 of Sakai is already optimized for parallel processing. Thus, there would be no reason to combine Gold with Sakai and the motivation to combine is improper.

Claim Rejections Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 3-27, 29, and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Gold.

Claim 1 recites,

A method of allocating registers when compiling source code, said method comprising steps of:

...during compiling of the source code, selecting at least one subclass of said selected class of real registers, wherein said at least one subclass includes a register to store said operand.

PATENT

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Neither Sakai nor Gold singly or in combination teach or suggest that when compiling source code selecting at least one subclass of said selected class of real registers to store said operand. The rejection of claim 1 states that Sakai does not expressly disclose selecting a subclass of the selected class of registers. However, the rejection combines Gold with Sakai to allegedly teach this feature.

Gold fails to teach or suggest selecting a subclass of a selected class during compiling. Gold discloses an instruction scheduler 10 performs register mapping at runtime when executing instructions. See paragraph 27. Thus, Gold fails to teach or suggest steps performed during compiling.

Also, Gold discloses mapping virtual registers to physical registers after compiling because microprocessors operable to execute multiple instructions in a single cycle may execute instructions non-sequentially. A register mapping is performed during execution of instructions to accommodate executing instructions non-sequentially. See paragraphs 4, 5, and 26. Sakai, on the other hand, discloses performing a parallelization process during compiling that generates a target program 3 from a source program 1 for a parallel processing architecture. The parallelization process determines where the intermediate code can be parallelized and reorders instructions to accommodate the parallelization. See paragraph 84. Thus, there is no need to use the register mapping or any of the processes of Gold in Sakai because the target program 3 of Sakai is already optimized for parallel processing. Thus, there would be no reason to combine Gold with Sakai and the motivation to combine is improper.

Independent claim 18 has been amended to include the features of claim 19 and now recites,

PATENT

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U.S. Patent Application Serial No.: 09/982,020

during compiling of the source code, allocating a plurality of real registers to store a plurality of operands from said intermediate code while generating the intermediate code, wherein the allocating further comprises determining a type of operand for at least one of said plurality of operands;
allocating a location in memory for the at least one operand in response to said operand being a particular type of operand; and
allocating a real register for said operand.

Neither Gold not Sakai teach or suggest performing these steps during compiling.

Independent claim 25 recites a compiler comprising a register allocation stage, an optimization stage and a final code stage generating machine readable code. The register allocation stage is configured to select a class of registers and select a subclass of said class of registers and allocate a real register from said selected subclass of registers for one of said plurality of operands, said one operand being of a particular type of operand.

Gold was combined with Sakai to teach selecting a subclass of registers. Claim 25, however, recites an optimization stage in a compiler configured to select a subclass of said class of registers and allocate a real register from said selected subclass of registers for one of said plurality of operands. Gold fails to teach a compiler selecting a subclass of registers. Instead, Gold performs register mapping at runtime and not during compiling. Also, it would not have been obvious to combine Gold with Sakai for the reasons stated with respect to claim 1. Thus, claims 18-27, 29, and 31 are believed to be allowable.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 13, 2005

By



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